

REMARKS

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Claims 5-7, 9-12, and 16-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Iwasa et al. It is the conclusion of the Examiner that:

Iwasa et al. disclose a porous resin film. The porosity of the film is 10% or more [0012]. The film is a mixture of hydrophilic and non-hydrophilic resin components.

Applicants believe that Iwasa's essential predominant non-hydrophilic resin component and the particles for voiding by stretching of Iwasa would adversely materially affect the basic and novel characteristics of the present invention. While a blowing agent is mentioned, stretching using particles is said to be preferred, contrary to this invention. It is further noted that the present claims provide for a "swellable" hydrophilic polymer. Not all hydrophilic polymers are swellable.

The Examiner has responded relying on MPEP 2111.03 and concluding that the Applicant has the burden of showing that the introduction of additional components "would materially change the characteristics of Applicant's invention." Applicants have herewith provided such evidence.

A Declaration, by co-inventor Julie Baker, is enclosed. It provides the requested confirmation that the advantageous results shown in the specification examples would not be realized within the teachings of Iwasa. The predominant hydrophobic component would not provide the necessary swelling to absorb the ink and the open cell pores would not protect the dye from contact with atmospheric components such as ozone nor protect as well against light fade. Additionally, the presence of fine particles such as inorganic silica would further reduce the capability of the layer to absorb and protect the dye.

A second Declaration, by Steven W. Clark, an employee of Eastman Kodak Co., provides detailed information concerning the make-up of the Epson Glossy Photo Paper for which comparative results were reported on

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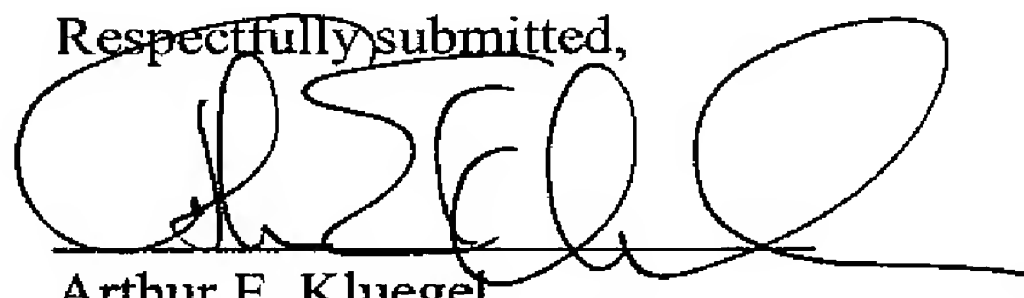
in Tables 2 and 3 of the present specification. As can be appreciated, the comparative medium contains layers that contain fine silica in the form of colloidal silica and silica gel (65% of the bulk coating) as a voiding agent. Both layers employ PVA as the binder and there is a mordant polymer present. Such a material has an open-cell pore arrangement and would thus not be able to protect the dye from atmospheric components as shown in Table 3. Light fade is also disadvantaged for the particle containing arrangement.

In view thereof, it follows that the extra components present in Iwasa, the predominant hydrophobic resin and the silica particles, are disadvantageous, and thus the subject matter of the claims would not have been obvious over Iwasa et al. at the time the invention was made. Thus, it is demonstrated that the added components of Iwasa are disadvantageous and that the efficacy of the medium is greatly improved by the omission of such components by the "consisting essentially of" language.

In view of the foregoing remarks and Declarations, the claims are now deemed allowable and such favorable action is courteously solicited.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "A. Kluegel", written over a horizontal line.

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Enclosures:

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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